

REMARKS

I. Status Of The Claims

Claims 1-28 are pending in this Application.

Claims 1-12, 15-22, 25, and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Brachman (U.S. Patent No. 6,704,576).

Claims 13 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brachman in view of Stanforth (U.S. Pub. No. 2002/0058502).

Claims 23, 24, 27, and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Brachman in view of Khan (U.S. Pub. No. 2002/0143951).

With this response claims 1, 3-5, 7, and 9-11 are amended. No new matter has been added.

Claims 1-12 are independent.

II. Rejection Under 35 U.S.C. 102

The Office Action rejects independent claims 1-12 under 35 U.S.C. 102(e) as being anticipated by Brachman.

The Office Action states that:

“[f]igure 3 of Brachman ... can be construed as ‘changing the relationship with one or more cells’ since the user which leaves the broadcast does not have a relationship with the particular cell anymore. Applicants can appreciate that col. 7, lines 20-25, that a user can leave the broadcast by ‘logging off the network’. This clearly meets the limitation of ‘a user changing the relationship with one or more cells’ ”
(see Office Action, p. 7 - p. 8).

However, Applicants respectfully submit that even if the Office Action’s

characterization of Brachman is, for the sake of argument, taken to be correct, Brachman would still fail, for example, to disclose, teach, or suggest:

“... wherein the change in the cellular distribution of the reception group comprises at least one member of the reception group establishing relationship with one or more first cells and severing relationship with one or more second cells”

as set forth in each of claims 1, 5, 7, and 11 as amended herewith (emphasis added), and:

“... wherein the available cellular distributions comprise one or more different possibilities for at least one member of the reception group establishing relationship with one or more first cells and severing relationship with one or more second cells ...”

as set forth in each of claims 3, 4, 9, and 10 as amended herewith (emphasis added).

Moreover, Applicants respectfully submit that Brachman fails, for example, to disclose, teach, or suggest:

“... upon a change in the composition of the reception group, deciding whether a subset of said reception group should receive said service via a unicast link or via a multicast link ...”

as set forth in each of claims 2, 6, 8, and 12 (emphasis added).

Applicants believe it clear that Brachman fails, for instance, to disclose, teach, or suggest such consideration of a subset.

In view of at least the foregoing, Applicants respectfully submit that claims 1-12 at least with the amendments herewith, as well as those claims that depend therefrom, are in condition for allowance.

III. Dependent Claims

Applicants do not believe it is necessary at this time to further address the

rejections of the dependent claims as Applicants believe that the foregoing places the independent claims in condition for allowance. Applicants, however, reserve the right to further address those rejections in the future should such a response be deemed necessary and appropriate

(Continued on next page)

IV. Conclusion

Applicants respectfully submit that this Application is in condition for allowance for which action is earnestly solicited.

If a telephone conference would facilitate prosecution of this Application in any way, the Examiner is invited to contact the undersigned at the number provided.

V. Authorization

The Commissioner is hereby authorized to charge any fees which may be required for this response, or credit any overpayment to Deposit Account No. 13-4500, Order No. 4208-4057.

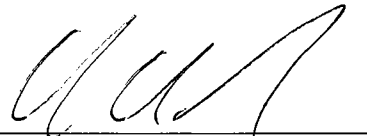
Furthermore, in the event that an extension of time is required, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to the above-noted Deposit Account and Order No.

Respectfully submitted,

MORGAN & FINNEGAN, L.L.P.

Dated: February 5, 2007

By:



Angus R. Gill
Registration No. 51,133

Mailing Address:
MORGAN & FINNEGAN, L.L.P.
3 World Financial Center
New York, New York 10281-2101
(212) 415-8700
(212) 415-8701 (Fax)